



Hanford Advisory Board

Hanford Advisory Board Operating Ground Rules

Draft B

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Color Coding:

- Blue content is from the Operating Ground Rules document
- Black content is from the Process Manual
- Magenta content is provided to support applicability and document history
- Green content is from the green book
- Orange is the Northern New Mexico Citizens Advisory Board
- Red is Oak Ridge Advisory Board

HANFORD ADVISORY BOARD

Operating Ground Rules

Forward: Applicability, Governing Documents, and Modification Authority

The purpose of this document is to provide a reference regarding the operation of the Hanford Advisory Board (hereafter referred as Committee). This document supersedes the Hanford Advisory Board Operating Ground Rules dated 2008. This document is intended to summarize Committee operations as they apply to pertinent sections of the requirements of the Federal Advisory Committee Act (FACA) of 1972, 5 United States Code (U.S.C.) Appendix 2; the General Services Administration (GSA) implementing regulations, 41 Code of Federal Regulations (41 CFR) Subpart 102-3; the Department of Energy (DOE or Department) Manual entitled *Advisory Committee Management Program*, DOE M 515.1-1; the EM SSAB Charter; the EM SSAB Membership Balance Plan; and The Memorandum of Understanding Among the U.S. Department of Energy, the Environmental Protection Agency, and the Washington State Department of Ecology Regarding the Hanford Advisory Board, dated June 18, 2008 (MOU). It is not intended to replace these documents.

This document may be updated or modified in accordance with the procedure outlined in Section IV, *Revisions to the Operating Ground Rules*.

Revision History

This document was reviewed by the Hanford Advisory Board (Susan Coleman, Chair), the Washington State Department of Ecology (David Bowen), the US Environmental Protection Agency (David Einan), and US Department of Energy (Michael Berkenbile, Deputy Designated Federal Officer), and approved by the Designated Federal Officer (Kelly Snyder) on [DATE].

I. Background and Introduction

The Committee was first convened by the Tri-Party Agreement (TPA) agencies in January 1994. The Committee's composition was developed to represent interests and a diversity of demographics and opinion surrounding cleanup decisions at the Hanford Site. Later that year, the DOE Office Of Environmental Management (EM) chartered the EM Site-Specific Advisory Board (EM SSAB). The Hanford Advisory Board was incorporated into the EM SSAB as a committee.

In accordance with the EMSSAB charter and a Memorandum of Understanding (MOU) signed by the TPA agencies the Committee provides the TPA agencies advice concerning issues affecting the Hanford Site. The Committee scope is established in the EMSSAB charter and the MOU. Advice may be requested by TPA agencies or developed independently.

The goal of the Committee is to involve a diverse group of interests including community members in TPA planning and decision-making processes for the cleanup of historic nuclear production activities. The Committee is one component of the TPA's public participation (Hanford Federal Facility Agreement and Consent Order: Hanford Public Involvement Plan (2017)). It is the policy of DOE, the U.S. Environmental Protection Agency, and the Washington State Department of Ecology, and EM to conduct their programs in an open and responsive manner, thereby, encouraging and providing the opportunity for public participation in their planning and decision-making processes.

A fundamental responsibility of the Committee is to advise the TPA agencies. While the TPA agencies identify what advice is needed on major policy issues, the Committee will provide informed recommendations and advice as resources allow. The TPA agencies acknowledge that the Committee may identify additional issues of concern to its members, consult with the TPA agencies, and provide appropriate advice.

II. Roles and Responsibilities

A. TPA Agency Representatives and Staff

Each sponsoring TPA agency appoints a senior agency manager to represent the agency in Committee meetings and other important Committee activities.

Each agency may also appoint an alternate who will attend Committee meetings and represent the agency in the absence of the designated senior representative.

The TPA agency representatives and staff are responsible for:

- As resources permit, ensuring that appropriate agency staff attend Committee and subcommittee meetings in order to be responsive to Committee needs without overburdening the Committee process with agency staff participation
- Facilitating communication and flow of information between TPA agencies involved with the Committee
- Commenting during Committee discussions of major and minor procedural matters without directly influencing the decisions of the Committee
- Ensuring that the advice or recommendations of the Committee are not inappropriately influenced by the TPA agencies or by other special interests but will instead be the result of the Committee's independent judgement.
- Listening and attempting to understand Committee members' views on major policy issues and procedural matters
- Providing sufficient notice to the Committee of emerging issues, requests for potential advice, and how the broader public will be involved in upcoming policy decisions
- Working with the Committee to provide access to agency personnel and information
- Assisting the Committee in accomplishing its mission and fulfilling the expectation of Committee members
- Honoring, responding, and giving serious consideration to the views, recommendations, and advice of the Committee in agency policy development, decisions, and actions
- Collaborating with the Committee as an integral component of Hanford public involvement activities to help minimize unnecessary duplication
- Providing information on budget matters that are not subject to embargo by the federal government to enable the Committee to play an informed role in Hanford Site priorities
- Responding in writing to all written recommendations of the Committee in a timely fashion (preferably within 90 days), stating the manner in which the Committee's recommendations were incorporated into agency decision-making processes and/or why Committee recommendations were not adopted or followed, and if possible, affording the Committee an

81 opportunity to clarify information, reply to, or discuss the agencies' responses prior to final
82 agency action

- 83 • Inviting and encouraging other agencies with an interest in issues being addressed to engage
84 with the Committee
- 85 • Helping Committee members to develop clear and understandable information for Committee
86 members' constituencies and for the general public
- 87 • Participating in Committee and subcommittee planning activities, including collaboratively
88 developing Committee and subcommittee meeting agendas and work plans
- 89 • Working with Committee leadership and the facilitation team to ensure the function of the
90 Committee
- 91 • Nominating and collaborating on the appointment of Committee members and alternates, as
92 appropriate

93 1. Deputy Designated Federal Officer (DDFO)

94 The Department of Energy appoints a Designated Federal Officer as required by FACA. The
95 Richland Operations Office and/or the Office of River Protection, in consultation with Department
96 of Energy Headquarters, appoints a DDFO to serve the function of a federal officer in accordance
97 with FACA.

98 **B. Hanford Advisory Board Leadership**

99 1. Hanford Advisory Board Chair

100 The chair shall be appointed by the sponsoring TPA agencies, based on an election held by
101 members of the Committee. The term of office will be two years.

102 The Committee chair provides leadership through the following:

- 103 • Ensuring the development of meeting agendas that reflect the issues of concern to Committee
104 members and sponsoring agencies
- 105 • Acknowledging the interests of all Committee members
- 106 • Acting in a fair and balanced manner with respect to the Committee's operation, conduct of
107 Committee meetings, and all other activities associated with the Committee
- 108 • Eliciting the views of members regarding Committee advice on major policy issues and
109 determining the course of action to follow on major procedural matters
- 110 • Working to achieve consensus among Committee members, understanding when consensus is
111 not possible, and identifying an alternative course of action
- 112 • Representing and conveying the views of the Committee before the TPA agencies, media, and
113 upon request, elected officials such as Congress and State legislatures

- Ensuring the Committee standard practice is followed where practical and authorizing situational deviation when it does not conflict with the contents of this document
- Facilitating open lines of communication exist among parties involved with the Committee both internally and externally
- Certifying that minutes accurately reflect the content of Committee meetings within 90 calendar days of the meeting to which they relate. In the absence of the chair and vice-chair, the DDFO certifies the meeting minutes.
- Working with the TPA agencies on administrative issues (e.g., travel, membership, etc.)
- Keeping abreast of Committee and subcommittee activities
- Working with TPA agencies to identify Committee needs

2. Hanford Advisory Board Vice Chair

A vice chair will be elected by the Committee to serve in the absence of the chair. The term of office of the vice chair will be for two years.

The vice chair is responsible for the following:

- Fulfilling leadership roles listed in (1) above in the absence of the chair
- Assisting the chair in their roles listed in (1) above

3. Removal of Officers

If a Committee member believes that the chair or vice chair is not performing in a fair and balanced manner, it is the responsibility of the member to raise their concerns to the chair, the full Committee, or representatives of the TPA agencies for consideration. The chair and/or vice chair may be removed from their position for misconduct or neglect of duty by a two-thirds vote of the Committee upon the recommendation of subcommittee leadership in coordination with the TPA agencies, or DDFO, or a duly authorized motion tendered by a Committee member at a regularly scheduled Committee meeting.

C. Hanford Advisory Board Primary and Alternate Members (hereafter referred to as members)

The success and effectiveness of the Committee depends largely upon the interest, commitment, input, and integrity of its members.

Committee members represent the interests and concerns of the organizations, institutions, or constituencies that have appointed them with the exception of the public at-large and non-union, non-management members. Committee members who are appointed to represent a specific organization are expected to consult with their entities and constituencies regularly concerning the discussions and recommendations of the Committee. Alternatively, at-large and non-union,

147 non-management members may consult with individuals or organizations to assist them in
148 assessing and defining the interests of the public at large and workforce but are not expected to
149 do so.

150 Committee members are responsible for the following:

- 151 • Attending meetings and participating in an open, constructive, and respectful manner
- 152 • Seeking to offer sound, quality advice to the sponsoring agencies on issues of importance to
153 the Committee and agencies
- 154 • Listening carefully to the views expressed by other Committee members and seeking ways to
155 reconcile those views with those of the interest they represent
- 156 • Striving to achieve consensus on major policy and procedural issues
- 157 • Following applicable Federal travel regulations and submitting travel expenses for
158 reimbursement according to Federal guidelines
- 159 • Being a well-informed group of local, regional, and tribal representatives who are focused on
160 problem solving and providing input on key policy decisions
- 161 • Improving open communications between and among Committee members, the TPA agencies,
162 and the public during Committee meetings
- 163 • Providing a forum in which the agencies are seen as accountable for progress on Hanford
164 cleanup and compliance with applicable state and federal laws
- 165 • Collaborating with agencies to plan and carry out activities in ways that maximize public
166 engagement opportunities and minimize unnecessary duplication
- 167 • Contributing to agency decisions that reflect the principles and values of the diverse Hanford
168 interests
- 169 • Engaging in the development of advice to TPA agencies
- 170 • Reviewing, evaluating, and commenting on Hanford documents and other materials and being
171 available to work between formal meetings in accordance with FACA (e.g., meeting of
172 subcommittees, conference calls, etc.)
- 173 • Sharing with their community information on Committee activities, inviting public
174 participation, and promoting interest for potential new members. These activities, however,
175 are voluntary and are not a requirement for membership.
- 176 • When sharing their experiences with other community groups about their position on a local
177 committee, members speak and/or participate in their personal capacities and do not
178 representing the local committee. Members participating in community events in their official
179 capacity as a subcommittee member must first consult with Committee leadership, the TPA
180 agencies, and the DDFO.

181 **D. Facilitation Staff**

182 A facilitation team may be contracted by DOE to help the Committee organize its work, encourage
183 discussion involving varied and diverse viewpoints, foster the development and discussion of
184 advice and recommendations, and aid the Committee in finding common ground on matters of
185 decision.

186 **III. Operating The Hanford Advisory Board**

187 **A. Consensus**

188 The Committee will operate by consensus to advise the TPA agencies. The Committee recognizes
189 that there are several levels of consensus that may be possible, as outlined below:

- 190 • Unanimous agreement among all Committee members on the advice or all Committee
191 members being willing to "live with" a proposed set of advice
- 192 • One or more Committee member(s) registering dissent, but not wishing to block the
193 Committee from providing advice that might otherwise be characterized as a consensus of the
194 Committee, but for their dissent

195 In conveying advice to the TPA agencies the Committee and its chair will describe the level of
196 consensus that has been achieved.

197 Committee members may abstain from the determination of consensus, based on the following:

- 198 • If a conflict of interest (see **Section V, Conflict of Interest**) would prevent them from offering
199 such advice
- 200 • If it is not part of the mission or role of their appointing organization to participate in
201 discussions on the topic being proposed for consensus
- 202 • For other reasons they may choose

203 It is the responsibility of each Committee member to state their desire to abstain.

204 When Committee members have strongly held views on a subject important to the interests that
205 they represent, they can bar consensus and will convey the particular policy or recommendation
206 they oppose. If consensus is not reached, the Committee may issue advice with majority and
207 minority reports describing the dissenting position.

208 It is the responsibility of each Committee member to review the draft meeting summary or
209 written report through which a proposed or draft consensus is characterized and voice their
210 dissent.

211 The Committee will only issue consensus material if a quorum is reached at the meeting at which
212 the product is being considered.

B. Quorum

The Committee will only make major procedural decisions, consider advice for adoption, or hold elections for Committee chair and vice chair, when a quorum is reached and the DDFO or representative appointed by the DDFO is present.

A quorum is one more than half of the members for seats chartered in the MOU. Only one member per seat is recorded. Members attending meetings remotely are counted toward quorum. Leadership elections may be conducted either in person or asynchronously, as long as a quorum of votes is received.

Subcommittees are convened at the discretion of subcommittee leadership or issue manager team lead and do not require quorum. An authorized DOE representative is required to be present in accordance with FACA.

C. Major and Minor Procedural Decisions

Committee leadership (in consultation with the TPA agencies) will determine whether internal Committee procedural issues can be considered major or minor. For major issues, leadership will ensure that the consensus decision-making process outlined below is followed. For minor issues, leadership will be expected to act on behalf of the interests of the Committee in making a decision.

- **Major Procedural Issues/Decisions (such as creating or modifying subcommittees or other subunits of the Committee, changes in Committee leadership or membership, etc.):** For major procedural decisions the Committee will operate by consensus. If the Committee is unable to achieve consensus on a major procedural issue, then a two-third majority vote will determine whether the Committee adopts the proposed decision, so long as there exists a quorum of Committee members. Major procedural decisions require approval by the Designated Federal Officer (DFO)/DDFO.
- **Minor Procedural Decisions (such as precise meeting dates and locations, the appropriate date for completing an advance mailing to the Committee, etc.):** The Committee will also strive to achieve consensus where possible or appropriate. If consensus on such issues is not possible or appropriate, Committee leadership will decide what course of action to follow.

Members of the Committee are responsible for communicating to the chair any concerns they may have about the decisions. If a dispute arises as to whether a particular procedural issue should be considered major or minor, this dispute will itself be considered a "major procedural issue" and will be resolved in accordance with the process outlined above for such issues.

D. Record-Keeping

The Committee will maintain a written and digital record that will accurately summarize the content of, and any decisions made, at Committee meetings. This written summary will be prepared in draft form and all Committee members will be provided an opportunity to suggest

revisions and changes to a draft meeting summary if they do not believe it accurately portrays the content of the Committee's deliberations. Once approved as final and certified within 90 calendar days of the meeting to which they relate, meeting minutes and recordings (if available) will be available to the public upon request and posted to the Hanford website.

E. Meeting Decorum

The chair and each member of the Committee have a joint responsibility for assuring that the operating rules are observed. Committee members are encouraged to bring concerns regarding the operating rules, and adherence thereto, to the attention of the chair for consideration of possible revision or other appropriate action.

F. Public Participation

All meetings of the Committee and its work groups, subcommittees, or task forces shall be open to the public and conducted in accordance with the FACA. The public is not invited to closed leadership meetings.

Based on advice from the Committee, the TPA agencies may develop a public participation plan regarding Committee activities that is compatible with the TPA Public Involvement Plan¹.

1. Press Inquiries/Contacts

In responding to media inquiries, Committee members agree to refrain from characterizing the views or opinions expressed by other Committee members and to exercise restraint in commenting on the Committee's deliberations and processes.

Formal Committee recommendations issued in writing will be made available by DOE to the press and general public, along with minutes of Committee meetings that have been approved by the Committee. This material will also be posted on the Hanford website.

Media representatives attending Committee and subcommittee meetings may use tape recorders, cameras, and electronic equipment for broadcast purposes, provided that recording is disclosed in accordance with Washington State law². The use of such equipment must not interfere with the orderly conduct of the meeting. To preclude any disruption, news media personnel should be encouraged to position all equipment before the meeting and to defer removal until an ample intermission period or meeting adjournment.³

¹ TPA Public Involvement Plan Citation

² Revised Code of Washington § 9.73.030(4)

³ Department of Energy Manual 515.1-1, *Advisory Committee Management Program*, § V.3.b

G. Subcommittee Composition and Membership

The Committee may wish to create subcommittees to ensure the efficient and successful accomplishment of its mission.

1. Executive Subcommittee

The Executive Subcommittee shall consist of the Committee chair, vice chair (if applicable), other elected members of the Committee, and leadership (chair and vice chair) from each subcommittee. A representative of each of the TPA agencies may attend and participate in Executive Subcommittee meetings and deliberations.

Unless otherwise determined by the Committee, the role and function of the Executive Subcommittee is as follows:

- Help the chair make decisions on procedural matters between Committee meetings (such as the agenda for upcoming Committee meetings, meeting dates, locations, etc.)
- Consult with the chair regarding efforts to resolve substantive policy issues between and during Committee meetings
- Along with the chair, represent the Committee before the sponsoring agencies, and upon request, elected officials, and legislative bodies
- The Executive Subcommittee has no authority to act for the Committee but may recommend that the Committee consider an action.

2. Subcommittees and Workgroups

The Committee may designate subcommittees and work groups to evaluate if advice on select topics should be developed for consideration by the Committee. Non-Committee members are welcome to participate in subcommittee meetings but are not able to serve as leadership or be considered when a subcommittee is holding an election or other procedural action. The Committee will make every effort to represent a diversity of views in subcommittees and work groups.

Each subcommittee shall select a chair and may select a vice chair (subcommittee leadership).

Subcommittee meetings do not have a quorum. Subcommittee leadership will determine on a case-by-case basis whether sufficient participation exists to substantiate recommendations and subcommittee consensus. There must be more appointed Committee members than members of the public serving on the subcommittee.

In addition, the Committee or one of its subcommittees may wish to form smaller workgroups or task forces to develop specific work products or discuss issues that are time sensitive and fit within the overall scope of issues to be addressed by the Committee.

Subcommittees and work groups shall not have the authority to issue advice directly to the TPA agencies. Rather, they will develop draft proposals by subcommittee consensus regarding such advice for consideration by the full Committee.

IV. Revisions to the Operating Ground Rules

The Committee shall have the authority to modify this document in ways consistent with the amended charter of the EM SSAB; EM SSAB guidance document; and other applicable laws, regulations, and guidelines.

A. Procedure to Modify

Proposed modifications can be suggested by Any member of the public, Committee, or TPA agencies.

However, the proposal must be sponsored by a member and considered by the Committee. The Committee may consider and take action on the modification to the operating procedures at the meeting following the introduction of the proposal. Modifications require the affirmative vote of two-thirds of Committee membership. A vote to amend the ground rules may be cast by a Committee member in person or by Absentee Ballot at any meeting of the Committee at which a modification of the ground rules is an agenda item. Each seat on the Committee shall be entitled to vote in person or by an absentee ballot duly submitted in writing, or by electronic means, signed or electronically annotated and dated by such member. The staff shall prepare and make available on request suitable absentee ballots for use in voting on Operating Ground Rules modification. To be valid, an absentee ballot shall be executed by the Committee member and submitted to the Committee's offices, DDFO, or chair not later than 12:00 noon on the day prior to the date of the scheduled Committee meeting at which the vote is an agenda item. In the event an absentee ballot cannot be properly filed and a two-thirds quorum is not possible, then absentee members may be contacted to participate by teleconference, provided that all similarly constrained absent members are given the same opportunity.

The revised operating procedures will be effective upon the affirmative vote of at least two-thirds of the Committee members, execution by the chair, and approval by the Designated Federal Officer in consultation with DOE's Office of General Counsel.

Upon adoption, all previous bylaws or procedures are hereby rescinded.

If a conflict arises with respect to any provision of the ground rules, then federal law or regulation, the DOE Manual, the EM SSAB Charter, or the MOU shall control. In the event that any provision of these operating procedures is invalid, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

V. Conflict of Interest

Committee members are prohibited from participating in any matter in which the member or their spouse, minor child, general partner, or employee has a financial interest. This restriction also applies if the Committee member is negotiating or has any arrangement concerning prospective employment with any person or organization that has a financial interest in any particular matter before the Committee.

Questions concerning conflict of interest shall be referred to the DDFO, who will seek the advice of legal counsel for resolution.

If a Committee member is aware of a conflict of interest, as defined above, the member shall immediately inform the DDFO and Committee of the interest and refrain from participating in associated discussions and recommendations.

Committee members shall abide by the following conflict-of-interest principles:

- Members shall refrain from using their membership to give the appearance of being motivated by the desire for private gain for the member or anyone else.
- Members shall not use for private gain, either directly or indirectly, any non-public information obtained as a result of Committee or subcommittee service.
- Members shall not use their positions to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom the member has personal, business, or financial ties.

VI. Funding and Other Support

Funding for the Committee's activities and operations will be provided by DOE. The DOE, as required by FACA, provides funding levels adequate to cover or provide for the Committee's operations.

- **Authority:** DOE EM retains the fiscal responsibility for the Committee. If requested by the DDFO, the Committee can provide input regarding funding for the Committee.
- **Compensation:** Committee members will serve without compensation but may receive reimbursement for direct expenses related to the work of the Committee and meeting attendance.
- **Travel Expenses:** Committee and subcommittee members are required to follow applicable federal travel regulations. All travel expenses must be submitted to the Federal Coordinator for reimbursement according to Federal guidelines. Trip reports by Committee members must be prepared within 30 days and submitted to the support staff for inclusion in the Committee's records.

VII. Acronyms and Definitions

CFR	Code of Federal Regulations
Committee	Hanford Advisory Board
DFO	Designated Federal Officer
DDFO	Deputy Designated Federal Officer
DOE	U.S. Department of Energy
EM SSAB	Environmental Management Site-Specific Advisory Board
FACA	Federal Advisory Committee Act
MOU	Memorandum of Understanding
TPA	Tri-Party Agreement
U.S.C.	United States Code

Advisory Committee: any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof which is established by statute, established or utilized by the President, or established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. **FACA § 3(2)**

EM SSAB Charter: The governing document for the EM SSAB, including all local boards, which is renewed biannually and approved by the CMO.

DOE Field Office: Any DOE area, field, and site offices, and/or business centers located outside the Washington, D.C. area.

DOE Manual: “Advisory Committee Management Program” Manual, DOE M 515.1-1, 10/22/07

Subcommittee: any subset, task force, panel, or other similar group made up of appointed members of the board that gathers to discuss board-related topics or to conduct board business.

VIII. Applicable Law, Regulations, Orders and Policies

Statutes: Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (1997) (original version at Pub. L. No. 92-463, 86 Stat. 770 (1972)). <http://www.gsa.gov/portal/content/104514>

Regulations: Federal Advisory Committee Management, 41 CFR Part 102-3. See also: 52 Fed. Reg. 45926 (1987). http://www.access.gpo.gov/nara/cfr/waisidx_99/41cfr105-54_99.html

Specific Agency Regulations: Office of Human Resources and Administration, U.S. Department of Energy (DOE), Pub. No. DOE M 515.1-1, *Advisory Committee Management Program* (2007) (DOE Manual). <https://www.directives.doe.gov/directives/0515.1-DManual-1/view>

Charter: Office of Environmental Management, Office of Intergovernmental and Stakeholder Programs, U.S. Department of Energy Amended Charter: Environmental Management Site-Specific Advisory Board (2022). <http://energy.gov/sites/prod/files/em/EMSSABCharter-FINAL.pdf>

Governance Document: Memorandum of Understanding Among the U.S. Department of Energy, the Environmental Protection Agency, and the Washington State Department of Ecology Regarding the Hanford Advisory Board. https://www.hanford.gov/files.cfm/HAB_MOU.pdf

Historical/Guidance Document: Convening Report on the Establishment of an Advisory Board to Address Hanford Cleanup Issues. <https://www.energy.gov/sites/prod/files/em/EMSSABCharter-FINAL.pdf>

Membership Balance Plan: Contact the Office of Environmental Management, Office of Intergovernmental and Stakeholder Programs

Committee list

Annual reports

Delegations:

- Department of Energy Delegation Order No. 00-002.00B to the Under Secretary for Energy, Science, and Environment (October 4, 2004). <https://www.directives.doe.gov/sdoa/delegations-documents/002.00B/view>
- Department of Energy Re-delegation Order No. 00-002.03B to the Assistant Secretary for Environmental Management (January 29, 2007). <https://www.directives.doe.gov/sdoa/delegations-documents/002.03B/view>